

UNITED STATES DISTRICT COURT

DISTRICT OF MAINE

MARK S. HIDER,

Plaintiff

v.

Civil No. 04-60-P-C

CITY OF PORTLAND, *et al.*,

Defendants

**ORDER AFFIRMING THE AMENDED  
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE**

The United States Magistrate Judge filed with the Court on June 10, 2004, with copies to the *pro se* Plaintiff and to counsel, her Amended Decision Recommending That The Motion To Dismiss Be Granted (Docket Item No. 11). Plaintiff filed his objection to the Amended Recommended Decision on June 28, 2004 (Docket Item No. 12), to which objection, Defendants filed their response on July 9, 2004 (Docket Item No. 13). Plaintiff filed his reply to Defendants' response on July 20, 2004 (Docket Item No. 14). This Court having reviewed and considered the Magistrate Judge's Amended Recommended Decision, together with the entire record, and having made a *de novo* determination of all matters adjudicated by the Magistrate Judge's Amended Recommended Decision, and concurring with the recommendations of the United States Magistrate Judge for the reasons set forth in her Amended Recommended Decision, and having determined that no further proceeding is necessary; it is **ORDERED** as follows:

- (1) Plaintiff's objection is hereby **DENIED**.
- (2) The Amended Recommended Decision of the Magistrate Judge is hereby **AFFIRMED**.
- (3) Defendants' Motion to Dismiss as to Count I is hereby **GRANTED**.
- (4) The remaining counts of the Complaint are hereby **DISMISSED** without prejudice.
- (5) Plaintiff's Motion to Amend the Complaint is hereby **DENIED**.

/s/ Gene Carter  
GENE CARTER  
Senior United States District Judge

Dated at Portland, Maine this 27<sup>th</sup> day of July, 2004.